



REQUESTED 2014 BUDGET

DEPT: District Attorney

UNIT NO. 4500
FUND: General - 0001

MISSION

The mission of the Milwaukee County district attorney's office is to promote public peace and safety by just and vigorous prosecution; to seek and do impartial justice by ensuring that the guilty are punished and the innocent go free; to protect the health and welfare of children who are victims of child abuse and neglect; and to safeguard the rule of law and promote citizens' participation in law enforcement by treating all persons who come in contact with the criminal justice system with fairness, dignity and respect.

Budget Summary

	2014	2013/2014 Change
Expenditures	18,241,209	(141,028)
Revenue	5,658,490	(661,183)
Levy	12,582,719	520,155
FTE's	150.1	7.1

Major Programmatic Changes

- This is a cost-to-continue budget, with no major programmatic changes

OBJECTIVES

- Target, investigate, successfully prosecute and incarcerate shooters, other illegal gun offenders, and other violent criminals through the coordinated efforts of the community prosecution, general crimes, and violent crimes units.
- Reduce crime by coordinating the efforts of the community prosecution, general crimes, and violent crimes units and assigning each general crimes and violent crimes teams to one or more Milwaukee police districts and adjoining suburbs to promote accountability and facilitate investigation and prosecution of criminal gangs and violent offenders.
- Maintain a permanent witness protection unit to ensure that crime victims and witnesses who are threatened or intimidated are able to safely appear and testify in court; and that offenders who threaten, intimidate, or harm crime victims and witnesses are successfully prosecuted and punished.
- Continue to work closely with the courts, the State Public Defender, Justice 2000 and other community organizations to maintain a successful diversion and deferred prosecution program for nonviolent offenders with serious substance abuse and mental health treatment needs.
- Continue the successful operation of the Violent Crimes Courts project, which aims to bring homicide and sexual assault cases to trial within 90 to 120 days of the issuance of criminal charges.
- Continue to carry out the mandate of the crime victims' rights bill, enacted in response to a 1994 amendment to the Wisconsin Constitution that was effective on April 1, 1998, to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that the rights extended to victims and witnesses of crime are honored and protected no less vigorously than the protections afforded criminal defendants.
- Continue to enhance the prosecution of felony drug cases through the Milwaukee High Intensity Drug Trafficking Area (HIDTA), the Milwaukee Metropolitan Drug Enforcement Group (MMDEG), the community prosecution unit, and the violent crimes unit by targeting, investigating and prosecuting major drug dealers; ridding neighborhoods of drug dealers and nuisance properties; and continuing the successful operation of the Speedy Trial Drug Courts project, which aims to bring drug cases to trial within 120 days of the issuance of criminal charges.
- Continue the successful operation with the state Bureau of Milwaukee Child Welfare of the Termination of Parental Rights (TPR) Speedy Resolution project at the Vel Phillips Juvenile Justice Center to ensure that children do not languish in substitute care for years without realistic prospect of a return home or adoption by a loving family.

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- Continue to implement 2005 Wisconsin Act 60, which mandated electronic recording of statements of adults in custodial interrogation, effective January 1, 2007, and requires the district attorney to copy, edit, index, provide discovery, and play in court the electronically recorded statements of defendants in felony cases.

DEPARTMENTAL PROGRAM DESCRIPTION

District Attorney Functions: The district attorney is responsible for the following duties: plans and organizes the prosecution of all criminal, juvenile and applicable ordinance violations in Milwaukee County; recruitment and staffing of all professional positions and making major assignments of personnel and cases; and coordination and supervision of all department activities and approval and control over all departmental policies, procedures and activities.

Chief Deputy District Attorney Functions: The chief deputy district attorney is responsible for the following duties: supervision of all division functions and oversight of the implementation of all departmental policies and procedures; supervision of liaisons with other county officials and departments, city, state, federal officials, law enforcement agencies and community groups; serving as office liaison to the legislature and initiation and review of proposals for criminal and juvenile law legislation; supervision of the homicide and public integrity units; the extradition of defendants from other states on felony charges; and proceedings related to the extradition of uncooperative witnesses on felony cases to or from Milwaukee County.

DA and Chief Deputy DA Program Personnel	
District Attorney	1
Chief Deputy District Attorney	1
County Staff	3
Assistant District Attorneys	8

MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE CASELOAD STATISTICS -- FILINGS				
<u>Workload Statistics</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2011/12 Change</u>
Felony	6,194	6,099	6,143	44
Misdemeanor	7,590	7,362	6,713	(649)
Criminal Traffic	3,446	2,796	2,792	(4)
Children in Need of Protective Services (CHIPS)	1,544	1,621	1,353	(268)
Juvenile Delinquency	1,555	1,632	1,725	93
TPR (Termination of Parental Rights)	302	312	278	(34)

Community Prosecution and General Crimes Division: The community prosecution division consists of the community prosecutors, who serve the seven Milwaukee police districts and the cities of South Milwaukee and West Allis, and the restorative justice and family support unit. The general crimes division staffs all general felony and misdemeanor courts and presents evidence, argues motions, negotiates cases, and conducts jury and court trials for all general felony, misdemeanor and applicable ordinance violations in Milwaukee County. The division staffs five general felony courts and seven general misdemeanor and intake courts in Milwaukee County circuit court, and strives to ensure application of uniform negotiation policies in general felony, misdemeanor, and ordinance cases, and to develop and maintain systems to ensure the highest quality of prosecution and speedy disposition of general felony, misdemeanor, and ordinance violation cases.

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Division Personnel	
Deputy District Attorney	1
County Staff	7
Assistant District Attorneys	36

Administrative and Investigations Divisions: The investigation division, which is headed by the chief investigator, supervises district attorney investigators, who investigate police shootings of civilians and deaths in police custody, public corruption, major multi-jurisdictional crimes, industrial deaths and injuries, as well as providing post-charging investigation on major crimes, and maintain office security. The investigators also run the witness protection program which seeks to insure that witnesses who are threatened or intimidated are able to safely appear and testify in court by focusing enforcement efforts on prosecuting offenders and offering specialized security services to victims and witnesses. One investigator is assigned to work on the US Marshal's Fugitive Task Force. The division is divided into a witness protection unit and a special investigations unit that are each supervised directly by a deputy chief investigator. The chief investigator also assists the deputy district attorney in charge of administration with long range planning, all phases of internal management including the administration of discipline, and the preparation of the county budget.

The administrative division also administers the department's state and county budgets and fiscal systems, develops and coordinates grants and revenues, and controls the expenditure of funds. The division also supervises internal management, including inventory, purchasing systems and procedures, record management and statistics as well as organizing, staffing, directing and coordinating clerical functions. The division is also responsible for long-range planning, and maintaining liaison with the administrative and fiscal personnel of the state, Milwaukee County, law enforcement agencies and other governmental organizations.

Administrative and Investigations Divisions:

Administrative Division Personnel	
Deputy District Attorney	1
County Staff	23.84

Investigator Division Personnel	
Chief Investigator	1
County Staff	10

Violent Crimes and Sensitive Crimes Division: The violent crimes division staffs the specialized criminal courts for homicide, sexual assault, felony drug, and firearms cases, and presents evidence, argues motions, negotiates cases, and conducts jury and court trials for all felony violations in the specialized felony Milwaukee County felony courts. The division, which consists of the homicide, sensitive crimes, sensitive crimes victim witness services, violent crimes – drug, and violent crimes – firearms units, staffs seven specialized felony courts in Milwaukee County circuit court and strives to ensure application of uniform negotiation policies in violent crimes' cases, and to develop and maintain systems to ensure the highest quality of prosecution and speedy disposition of violent crimes' cases. The sensitive crimes division includes the domestic violence unit, sensitive crimes unit, and child abuse and protection unit.

Deputy District Attorney	1
County Staff	26.5
Assistant District Attorneys	43

Juvenile Division: The juvenile division performs the following functions: reviews all referrals for possible delinquency prosecution and orders additional investigation as required; provides legal advice to the Vel Phillips Juvenile Justice Center staff; drafts and files petitions to declare juveniles delinquent or in need of protection and services (CHIPS) under Chapters 48 and 938 of Wisconsin Statutes; prepares and argues waivers of jurisdiction

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from juvenile court to adult court; prosecutes all delinquency and CHIPS actions in the juvenile court of Milwaukee County; reviews and prosecutes all matters involving termination of parental rights in the juvenile court of Milwaukee County; conducts a continuing education and informational program for law enforcement personnel, social services agencies, child protection social workers and citizens on latest developments and practices in juvenile law; and directs the victim/witness services unit of the Vel Phillips Juvenile Justice Center, including the witness notification and subpoena functions.

Juvenile Division Personnel	
Deputy District Attorney	1
County Staff	27
Assistant District Attorneys	30.5

Information Technology Division: The information technology division manages the district attorney's computer network downtown and at the Vel Phillips Juvenile Justice Center which is part of the statewide district attorney computer network; manages the database and user accounts for the State DA case management system PROTECT, manages the Pro-Phoenix law enforcement report management software and database; manages district attorney connections to the county mainframe for the CJIS, JIMS, Advantage, and BRASS applications; trains district attorney staff in office computer applications; prepares courtroom exhibits and presentation equipment and copies, edits and converts electronic media in criminal and juvenile cases; and manages district attorney facilities in the Safety Building and Criminal Justice Facility. The IT manager is certified in the forensic examination of computers and assists district attorney investigators with the examination of computer evidence on major investigations; the office maintains a basic forensic computer examination capability with specialized computers and storage devices.

Information Technology Personnel	
IT Director	1
County Staff	2

Victim/Witness Division: The victim/witness division provides comprehensive services as required by law to crime victims and witnesses on criminal cases; and includes the Outreach process unit, which serves subpoenas and other process on criminal and juvenile cases.

Victim/Witness Personnel	
Victim/Witness Coordinator	1
County Staff	41

State Prosecutors and the County Payroll and Benefit System: The district attorney's budget includes 6 FTE prosecutors who elected to remain in the Milwaukee County Employee Retirement System and retained county fringe benefits when district attorneys became state employees on January 1, 1990. There are also 10 prosecutors on the state payroll that retained county fringe benefits when district attorneys became state employees. The budget reflects county payments to prosecutors on the county payroll and state reimbursement for these payments as well as the actual county cost of fringe benefits provided to the 16 FTE prosecutors with county fringe benefits. The county is reimbursed biweekly for salary, social security, and retirement benefits and semi-annually for health, dental, and life insurance. Wis. Stat. §§ 978.12(5)&(6) provide that state reimbursement must be based on actual county fringe benefits' costs or comparable state costs, whichever is less.

CHARGES FROM THE STATE

Charges from the state for the salaries and fringe benefits of 25.5 FTE assistant district attorneys decrease by \$303,892 because of the loss of federal funding for 5.0 FTE prosecutors. The costs of these positions are offset with federal and state grant revenue. The state fronts the money for the salaries and fringe benefits of these grant-funded prosecutors, the district attorney receives the revenue for these positions in accounts 2299 and 2699, and the district attorney then passes the revenue on to the state through expenditure account 6090.

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CHARGES FROM THE STATE				
Charges from the State	2014 ADA FTE	2013 Budget	2014 Budget	2013/14 Variance
Byrne JAG OJA MMDEG Task Force	4.0	\$ 270,728	\$ 285,865	\$ 15,137
Byrne JAG Local Milwaukee County	5.0	347,310	0	(347,310)
Child Support Prosecutor	1.0	83,797	85,665	1,868
State DCF CHIPS TPR Grant	8.5	708,737	772,450	63,713
State Violence Against Women Act (VAWA)	1.0	82,200	76,150	(6,050)
High Intensity Drug Trafficking Area (HIDTA)	6.0	447,650	496,525	48,875
Federal VAWA Domestic Violence	0	251,615	0	(251,615)
TOTAL	25.5	\$ 2,192,037	\$ 1,716,655	\$ (475,382)

Revenue from state grants for 2014 is comprised of five programs that are detailed in the following table:

STATE GRANTS			
State Revenue Programs	2013 Budget	2014 Budget	2013/14 Variance
Victim/Witness Program	\$ 1,032,250	\$ 1,350,000	\$ 317,750
Victim of Crimes Act (VOCA)	292,200	292,950	750
Special Prosecution Courts' Clerks	314,300	320,000	5,700
State DCF CHIPS-TPR Contract	1,219,455	1,292,225	72,770
State Violence Against Women Act (VAWA)	158,520	153,600	(4,920)
TOTAL	\$ 3,016,725	\$ 3,408,775	\$ 392,050

The Victim/Witness Program, which provides services to victims and witnesses of crimes pursuant to Chapter 950 of the Wisconsin Statutes, consists of 36.5 FTE authorized positions: 4.5 victim/witness coordinators, 23 victim/witness advocates, 1 victim/witness advocate – bilingual, 1 sensitive crimes victim advocate, 3 investigators in the witness protection unit, and 4 clerical personnel. Of the authorized victim/witness positions, 1 FTE victim/witness advocate - is unfunded in the 2014 budget. (Note: there are a total of six investigators assigned to the witness protection unit, but only three are eligible for revenue reimbursement by the state under Chapter 950.)

Wis. Stat. § 950.06 provides that the state can reimburse counties for up to 90 percent of costs of their victim/witness programs. The district attorney's adopted 2013 budget estimates a reimbursement rate of 41 percent for the victim/witness program, but the actual reimbursement rate for 2012 was approximately 46.7 percent, and we were advised by the Wisconsin Department of Justice, Office of Crime Victim Services (OCVS) that the reimbursement rate for the 2013-15 state biennium could be as high as 55-57 percent of county costs. Given the revenue shortfalls in the past few years, however, we are making the conservative assumption that the 2014 reimbursement rate will be roughly 50 percent of costs.

Therefore, because of the anticipated revenue increase, we are proposing to again fund 2.5 FTE of the 3.5 FTE victim/witness program positions that are unfunded in the 2013 budget - 1 FTE victim/witness supervisor and 1.5 FTE positions of victim/witness advocate - which means that 35.5 FTE of the 36.5 FTE authorized positions for the victim/witness program will be funded in the 2014 budget.

Victims Of Crime Act (VOCA) funding from the Wisconsin Department of Justice, Office of Crime Victim Services (OCVS), will provide funding for five positions in 2013: two victim/witness advocates assigned to the crisis

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response unit and three assistant sensitive crimes victim advocates in the sensitive crimes victim services unit. OCVS provides 80 percent reimbursement for these positions and operating expenses through VOCA.

The Special Prosecution Courts' Clerks statutory grant provides funding for the salaries and fringe benefits of 6.5 FTE secretaries: 4.5 secretarial assistants and 2.0 clerical assistant 1's in the homicide, sensitive crimes, and violent crimes units. The clerk of circuit court collects the grant revenue from a \$3.50 fee levied on civil case filings, only in Milwaukee County, pursuant to Wis. Stat. § 814.86 (1m).

The CHIPS-Termination of Parental Rights grant will provide continuing funding for 8.5 assistant district attorneys, 5.0 paralegals, and 2.0 secretarial assistants under a state contract with the Department of Children and Families (DCF).

The State Violence Against Women Act (VAWA) Formula Grant for Domestic Violence and Sexual Assault Prosecutions from the Wisconsin Office of Justice Assistance (OJA) will provide continuing funding for one assistant district attorney and one assistant sensitive crimes victim advocate.

Revenue from federal grants for 2014 is comprised of the two programs detailed in the following table:

FEDERAL GRANTS			
	2013 Budget	2014 Budget	2013/14 Variance
HIDTA	522,000	570,250	48,250
Byrne JAG OJA MMDEG Task Force	553,865	565,865	12,000
Byrne JAG Local Milwaukee County	347,310	0	(347,310)
Federal VAWA Domestic Violence	471,275	0	(471,275)
TOTAL	\$ 1,894,450	\$ 1,136,115	\$ (758,335)

The Milwaukee High Intensity Drug Trafficking Area (HIDTA) grant will provide continuing funding from the federal Office of National Drug Control Policy (ONDCP) for six assistant district attorneys and one clerical specialist in the district attorney's violent crimes and HIDTA units and also provide travel and training reimbursement.

The Byrne JAG Local block grant, which is administered by DAS, currently provides funding for the salaries and fringe benefits of five assistant district attorneys: the three community prosecutors for Milwaukee police districts 2, 3, 6, and 7, and the cities of South Milwaukee and West Allis; the juvenile firearms prosecutor; and one prosecutor in the domestic violence unit. Existing funding from the 2012 Byrne JAG Local grant will run out in approximately mid-November 2013. Milwaukee County has not yet received the 2013 Byrne JAG Local block grant award, so we cannot estimate 2014 revenue for this program.

The Byrne JAG OJA MMDEG Task Force grant provides funding for four assistant district attorneys in the violent crimes – drug unit and payments totaling approximately \$280,000 to the Milwaukee, South Milwaukee, and West Allis police departments for the salaries and fringe benefits of officers assigned full-time to the MMDEG police unit.

The Federal VAWA Domestic Violence grant, which currently provides funding for the salaries and fringe benefits of three assistant district attorneys dedicated to domestic violence cases, one victim advocate employed by the

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Sojourner Family Peace Center, cellular telephone expenses for Sojourner victim advocates, and reimbursement for required grant travel and training, will end on or about June 30, 2013.

CHARGES TO OTHER COUNTY AGENCIES				
Department	2014 CROSSCHARGES Program	2013 Budget	2014 Budget	2013/14 Change
Child Support	Criminal Child Support Prosecutions	170,367	173,536	3,169
Health & Human Serv	First Offender Program	43,966	44,625	659

Child Support Enforcement

Wis. Stat. § 948.22 provides criminal penalties for failure to support a child. The Department of Child Support Services (CSS) refers the most egregious cases to the district attorney for criminal prosecution. The district attorney cross charges CSS for services of an assistant district attorney on the state payroll and a full-time county paralegal that prosecute criminal child support cases. CSS receives federal reimbursement of 66 percent for the cost of these positions and charges back the remaining 34 percent to the district attorney. The state charges the district attorney for the costs of the assistant district attorney dedicated to child support cases.

Department of Health and Human Services

The costs for one half-time district attorney paralegal assigned to the First Time Offender program in the juvenile division at the Vel Phillips Juvenile Justice Center (VPJJC) are crosscharged to the Department of Health and Human Services (DHHS) to recover grant funding that DHHS receives in its budget.

2014 BUDGET

Approach and Priorities

- The district attorney is committed to maintaining current service levels in both quantity and quality. This office is a public safety agency whose duties are mandated by federal and state law. It must meet court-ordered deadlines as well as perform its constitutional and statutory duties in order to enforce criminal and juvenile law to provide for the safety and security of the citizens of Milwaukee County.
- Continue the district attorney's 21-year record of fiscal discipline, which is unprecedented among county criminal justice agencies.

Programmatic Impacts

- The reimbursement rate for victim/witness services from the state has rebounded to approximately 50% from an all-time low of 41%. This will support the continuation of services by the Victim Witness and Witness Protection programs, including filling necessary positions that were previously unfunded.

Budget Highlights

Staffing

\$194,724

The budget includes funding to fill 2.5 victim witness positions, including one supervisor, and one secretary. The cost for these positions is offset in part by state victim witness reimbursement, netting out to \$97,172. The district attorney's office has historically had a very low ratio of supervisors to employees and the addition of this supervisory position is necessary to ensure continued high quality performance in a division that is spread out across multiple buildings and courtrooms. The FTE of two of our five existing hourly administrative intern positions increases from 0.09 to 0.47, and six new hourly administrative intern positions are created at 0.47 FTE each, at a total cost for the eight intern positions of \$97,552. The eight hourly administrative interns will be

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scheduled for a maximum of 19 hours per week and provide litigation support for assistant district attorneys, investigators, and victim/witness advocates. The interns, under supervision, will review police reports and prepare criminal complaints and related legal filings; conduct legal research and write motions and briefs; compile, organize, and summarize case files; prepare charts, diagrams, and other exhibits for presentation in court; transcribe and summarize recorded statements; and research criminal histories.

Training

\$17,308

Both the law enforcement staff and the professional victim witness staff have mandatory continuing education requirements. The clerical staff has continued to transition to an electronic case management system that is much more computer-intensive, requiring substantial training. The district attorney's office recognizes that a well-trained staff is fundamental to achieving the statutorily-mandated duties of the office and maintaining an excellent level of service and meeting the expectations of the community. The combined account total of \$17,308 is offset by approximately \$2,400 for state reimbursement received for law enforcement training, resulting in an actual net increase of \$14,908.

Smoke Detectors

\$500

The budget includes \$500 for the purchase of local alarm smoke detectors for office file rooms on several floors of the Safety Building. The office continues to be concerned about the lack of smoke detector coverage in a building that is over 80 years old.

Capital Outlay

(\$7,695)

The net amount of capital expenditures falls by \$7,695, primarily because of the elimination of any new major office equipment purchases in 2014.

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BUDGET SUMMARY				
Account Summary	2012 Actual	2013 Budget	2014 Budget	2013/2014 Change
Personal Services (w/o EFB)	\$ 6,972,142	\$ 7,349,209	\$ 7,610,712	\$ 261,503
Employee Fringe Benefits (EFB)	5,396,564	5,838,132	6,117,459	279,327
Services	3,163,827	3,126,105	2,453,251	(672,854)
Commodities	147,755	212,864	171,229	(41,635)
Other Charges	0	0	0	0
Debt & Depreciation	0	0	0	0
Capital Outlay	44,723	53,475	45,780	(7,695)
Capital Contra	0	0	0	0
County Service Charges	1,970,785	2,016,785	2,060,939	44,154
Abatements	(211,752)	(214,333)	(218,161)	(3,828)
Total Expenditures	\$ 17,484,044	\$ 18,382,237	\$ 18,241,209	\$ (141,028)
Direct Revenue	78,172	73,750	75,750	2,000
State & Federal Revenue	6,524,568	6,245,923	5,582,740	(663,183)
Indirect Revenue	0	0	0	0
Total Revenue	\$ 6,602,740	\$ 6,319,673	\$ 5,658,490	\$ (661,183)
Direct Total Tax Levy	10,881,304	12,062,564	12,582,719	520,155

PERSONNEL SUMMARY				
	2012 Actual	2013 Budget	2014 Budget	2013/2014 Change
Position Equivalent (Funded)*	141.2	139.8	146.9	7.1
% of Gross Wages Funded	95.4	96.1	97.0	0.9
Overtime (Dollars)	\$ 123,116	\$ 145,224	160,272	\$ 15,048
Overtime (Equivalent to Position)	2.9	3.5	3.8	0.3

* For 2012 Actuals, the Position Equivalent is the budgeted amount.

PERSONNEL CHANGES						
Job Title/Classification	Title Code	Action	# of Positions	Total FTE	Division	Cost of Positions (Salary & FICA)
Victim Witness Supervisor	00084200	Fund	1	1.00	Victim Witness	54,804
Victim Witness Advocate	00084170	Fund	2	1.50	Victim Witness	62,643
Secretary (NR)	00000068	Fund	1	1.00	Administration	38,448
Administrative Intern	000877000	Fund	8	3.58	Criminal	97,552
TOTAL						\$ 253,447

All departments are required to operate within their expenditure appropriations and their overall budgets. Pursuant to Section 59.60(12), Wisconsin Statutes, "No payment may be authorized or made and no obligation incurred against the county unless the county has sufficient appropriations for payment. No payment may be made or obligation incurred against an appropriation unless the director first certifies that a sufficient unencumbered balance is or will be available in the appropriation to make the payment or to meet the obligation when it becomes due and payable. An obligation incurred and an authorization of payment in violation of this subsection is void. A county officer who knowingly violates this subsection is jointly and severally liable to the county for the full amount paid. A county employee who knowingly violates this subsection may be removed for cause."